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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,811	06/11/2007	Kristin Hoyne Gomes	2348.0130001	3994
53636 7590 02/01/2011 STERNE, KESSLER, GOLDSTEIN & FOX, P.L.L.C. 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005-3934				
EXAMINER CHENCINSKI, SIEGFRIED E				
ART UNIT 3695		PAPER NUMBER		
MAIL DATE 02/01/2011		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/588,811

Applicant(s)

GOMES ET AL.

Examiner

SIEGFRIED E. CHENCINSKI

Art Unit

3695

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Drafts/Person's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status Claims

1. Claims 1-25 are pending.
Claims 1-4, 6, 16, 24 and 25 have been amended.
The rejections under 35 USC 101 have been withdrawn based on Applicant's amendments to the independent claims.

Applicant Admitted Prior Art (AAPA)

2. The following limitation is AAPA:
 - a transaction involving a purchase of a travel ticket, the transaction variables including a passenger name on the travel ticket, a travel date, a routing description of the travel ticket, and an electronic ticket indicator.Also, original dependent claims 2-15 and 17-23 are AAPA,

Amendments

3. Applicant is advised to refer to the disclosure for support in making amendments in response to this office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John. Deer & Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness

under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Basch et al. (US Patent 6,658,393 B1, hereafter Basch) in view of Lawrence (US PreGrant Publication 2003/0225687 A1) and AAPA

Re. Claims 1, 2-4 & 6, Basch discloses a method for predicting financial risk is disclosed. The method includes receiving data inputs on a first computing system. The data inputs includes historical data associated with at least a first account issued to an account

owner, and the historical data includes historical transaction information for the first account. The method also includes generating a predictive model based on at least the historical data, receiving a current transaction authorization request associated with the first account on the first computing system, and generating a risk score by applying the predictive model to data associated with the current transaction authorization request. The current transaction authorization request is denied when the risk score indicates an unacceptable level of risk. In one embodiment, the data inputs further include performance data that is at least partially indicative of past fraudulent activities associated with the first account and at least one other account held by the account owner. (Abstract).

Basch discloses a method for authorizing a financial transaction between a merchant and an account holder of a financial account, comprising:

- receiving, in an automated programmed electronic computer system for authorizing a transaction between a merchant and an account holder of a financial account from the merchant for use in real-time authorization, transaction variables for a transaction using the financial account, (Col. 3, ll. 53-64); and

- processing, by the computer system, the transaction variables through a fraud risk model to determine a risk factor for the transaction (Col. 11, ll. 47-65).

Bausch does not explicitly disclose transmitting, by the computer system, an approval of the transaction or referral of the transaction for further identification based upon the output of the fraud risk model. However, Basch discloses a risk score to an account issuer when said score is below a predetermined financial risk (Col. 25, ll. 18-34). This would have suggested to an ordinary practitioner that when fraud risk score is above said threshold that the transaction would be approved, Since this is common sense. Bausch does not explicitly disclose a transaction involving a purchase of a travel ticket, the transaction variables including a passenger name on the travel ticket, a travel date, a routing description of the travel ticket, and an electronic ticket indicator. However, AAPA discloses a transaction involving a purchase of a travel ticket, the transaction variables including a passenger name on the travel ticket, a travel date, a routing description of the travel ticket, and an electronic ticket indicator was well known at the time of Applicant's invention since thousands of such transactions were being made daily through travel agencies and airlines at that time. Further, Lawrence discloses a travel related risk management clearinghouse associated with travel arrangements ([0007], [0008], and 0011]-ll. 1-3. Therefore, the ordinary practitioner of the art at the time of Applicant's invention would have seen it as obvious to have combined the disclosures of Basch, Lawrence, AAPA and the practitioner's own knowledge in order to produce a method for authorizing a financial transaction between a merchant and an account holder of a financial account, motivated by a desire to provide methods and systems which will utilize information to assist with risk management and due diligence related to travel arrangements (Lawrence, page 1, [0006]).

Re. Claim 2, Basch discloses approving the transaction in response to the risk factor is being within a range of acceptable values (Col. 8, ll. 13-19; Col. 9, ll. 42-46; Col. 8, l. 13 – Col. 9, l. 58 – authorization in Col. 9, l. 45 means approval when the risk factor is within acceptable limits in the risk model(s)).

Re. Claim 3, Basch discloses retrieving a purchasing history of the account holder; and approving the transaction based on the output of the fraud risk model and the

purchasing history (Purchasing history – Col. 8, l. 15; approval process - Col. 8, ll. 13-19; Col. 9, ll. 42-46; Col. 8, l. 13 – Col. 9, l. 58 – authorization in Col. 9, l. 45 means approval when the risk factor is within acceptable limits in the risk model(s)).

Re. Claim 4, Basch discloses retrieving a status of the financial account; and approving the transaction based on the on the output of the fraud risk model and the status (Account Status – Col. 8, l. 13-19; fraud risk model – Col. 8, ll. 26, 61; approval process - Col. 8, ll. 13-19; Col. 9, ll. 42-46; Col. 8, l. 13 – Col. 9, l. 58 – authorization in Col. 9, l. 45 means approval when the risk factor is within acceptable limits in the risk model(s)).

Re. Claim 6, Basch discloses transmitting a request to contact a financial institution maintaining the financial account in response to the risk factor being within a range of unacceptable values (Col. 26, ll. 16-21)

Re. Claim 16, the disclosures of Basch, Lawrence and AAPA are stated in the rejection of claim1 above. None of Basch, Lawrence or AAPA above explicitly disclose transmitting, to a transaction processor, transaction variables for the transaction, the transaction variables including a passenger name on the airline ticket, a travel date, a routing type of the airline ticket, and an electronic ticket indicator; and receiving, from the transaction processor, one of an approval of the transaction, a declination of the transaction and a request to contact a financial institution maintaining the financial account, based on the transaction variables. However, the ordinary practitioner of the art would have seen it as obvious that these transaction variables are necessary details in the transaction of claim 1. Therefore, the ordinary practitioner of the art at the time of Applicant's invention would have seen it as obvious to have combined the disclosures of Basch, Lawrence, AAPA and the practitioner's own knowledge in order to produce a method for authorizing a financial transaction between a merchant and an account holder of a financial account, motivated by a desire to provide methods and systems which will utilize information to assist with risk management and due diligence related to travel arrangements (Lawrence, page 1, [0006]).

Re. Claim 24, the disclosures of Basch, Lawrence and AAPA are stated in the rejection of claims 1 and 16 above. None of Basch, Lawrence or AAPA above explicitly disclose determining, based on historical data, a risk value for transaction variables of

transactions involving purchases of airline tickets, the transaction variables including at least one of: an account holder name, a reservation code, a passenger name, an origin city, a destination city, a travel date, a routing description, a class of service, an electronic ticket indicator, a number of passengers traveling and a carrier code; combining the risk values to generate a fraud-risk model that determines risk factors for transactions involving purchases of airline ticket; receiving a request from a merchant to authorize a transaction involving a purchase of a ticket by an account holder, the request including transaction variables corresponding to the account holder and the ticket; determining a risk factor for the transaction by inputting the transaction variables corresponding to the account holder and the ticket to the fraud-risk model; and generating an authorization decision for the request based on the risk factor for the transaction. However, the ordinary practitioner of the art would have seen it as obvious that these transaction variables are necessary details in the transaction of claim 1. Therefore, the ordinary practitioner of the art at the time of Applicant's invention would have seen it as obvious to have combined the disclosures of Basch, Lawrence, AAPA and the practitioner's own knowledge in order to produce a method for authorizing a financial transaction between a merchant and an account holder of a financial account, motivated by a desire to provide methods and systems which will utilize information to assist with risk management and due diligence related to travel arrangements (Lawrence, page 1, [0006]).

Re. Claim 25, the disclosures of Basch, Lawrence and AAPA are stated in the rejection of claims 1, 16 and 24 above. None of Basch, Lawrence or AAPA above explicitly disclose receiving, from the merchant for use in real-time authorization, transaction variables for a transaction involving a purchase of a travel ticket using the financial account, the transaction variables including at least one of: a passenger name on the travel ticket, a travel date, a routing description of the travel ticket, and an electronic ticket indicator; and processing the transaction variables through a fraud-risk model to determine a risk factor for the transaction. However, the ordinary practitioner of the art would have seen it as obvious that these transaction variables are necessary details in the transaction of claim 1. Therefore, the ordinary practitioner of the art at the

time of Applicant's invention would have seen it as obvious to have combined the disclosures of Basch, Lawrence, AAPA and the practitioner's own knowledge in order to produce a method for authorizing a financial transaction between a merchant and an account holder of a financial account, motivated by a desire to provide methods and systems which will utilize information to assist with risk management and due diligence related to travel arrangements (Lawrence, page 1, [0006]).

Re. dependent claims 5, 7-15 and 17-23, none of Basch, Lawrence or AAPA above explicitly disclose limitations of claims 2-15 and 17-23. However, AAPA discloses the limitations of claims 5, 7-15 and 17-23.

Therefore, the ordinary practitioner of the art at the time of Applicant's invention would have seen it as obvious to have combined the disclosures of Basch, Lawrence, AAPA and the practitioner's own knowledge in order to produce a method for authorizing a financial transaction between a merchant and an account holder of a financial account, motivated by a desire to provide methods and systems which will utilize information to assist with risk management and due diligence related to travel arrangements (Lawrence, page 1, [0006]).

Response to Arguments

5. Applicant's arguments November 23, 2010 regarding claims 1-25 have been fully considered but they are not persuasive.

ARGUMENT: "Basch is silent as to "approving the transaction or referring the transaction for further identification based upon the output of the fraud risk model," as recited by independent claim 1 (emphasis added, as amended) and similarly recited by independent claims 16, 24 and 25. " (p. 7, ll. 25-28; p. 7, l. 6 – p. 8, l. 6).

RESPONSE:

Applicant is referred to the revised rejection rationale above regarding this limitation Adjusted for Applicant's amendment of this limitation.

Conclusion

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Siegfried Chencinski whose telephone number is 571-272-6792. The Examiner can normally be reached Monday through Friday, 9am to 6pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Charles Kyle, can be reached on 571-272-6746.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). The following is a LINK to PRIVATE PAIR - <https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington D.C. 20231

or faxed to:

(571)273-8300 [Official communications; including After Final communications
labeled "Box AF"]

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or

(571) 273-6792 [Informal/Draft communications, labeled "PROPOSED" or
"DRAFT"]

Hand delivered responses should be brought to the address found on the above
USPTO web site in Alexandria, VA.

SEC

Art Unit 3695

January 29, 2011

/Charles R. Kyle/
Supervisory Patent Examiner, Art Unit 3695